

PATENT
Docket No.: 19603/1559 (CRF D-2052C)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Pang et al.)	Examiner:
Serial No.	:	09/943,215)	A.R. Kubelik
Cnfrm. No.	:	9965)	Art Unit:
Filed	:	August 30, 2001)	1638
For	:	DNA CONSTRUCTS AND METHOD TO IMPART RESISTANCE TO PAPAYA RINGSPOT VIRUS ON PLANTS)	

AMENDMENT UNDER 37 CFR § 1.312

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Examiner's Amendment mailed November 19, 2003, applicants submit that there is a discrepancy between the amendments agreed to in the October 31, 2003, telephone interview between Examiner Kubelik and applicants' undersigned attorney and the November 19, 2003, Examiner's Amendment. In particular, in comparison to how they were presented in the August 11, 2003, Supplemental Amendment, claims 104, 105, and 122 should be amended as follows:

104. (Currently Amended) The DNA construct according to claim 102, wherein said second DNA molecule is selected from the group consisting of a viral DNA molecule, a fluorescence protein encoding DNA molecule, and ~~combinations~~ a combination thereof.

105. (Currently Amended) The DNA construct according to claim 102, wherein said ~~fragment~~ of the first DNA molecule and the second DNA molecule encode RNA molecules which are translatable.

DO NOT ENTER
4/14/03
AK

122. (New) A DNA construct comprising in operable linkage:
 a single promoter sequence which effects transcription of a plurality of DNA
 molecules;

a plurality of DNA molecules each of which is at least 110 nucleotides in
 length and at least one of which is of a length insufficient to impart resistance to papaya
 ringspot virus to plants transformed therewith and is from a DNA encoding papaya ringspot
 virus coat protein, wherein the plurality of DNA molecules collectively are at least 510
 nucleotides in length, and wherein the plurality of DNA molecules effect post-transcriptional
 silencing of papaya ringspot virus coat protein and impart resistance to papaya ringspot virus
 in plants transformed with said DNA construct; and

a single termination sequence which ends transcription of the plurality of
 DNA molecules.

Finally, on January 13, 2003, applicants filed a Supplemental Information
 Disclosure Statement, together with one PTO-1449 page (copy enclosed) and on June 9,
 2003, applicants filed the Second Supplemental Information Disclosure Statement, together
 with one PTO-1449 page (copy enclosed). Neither PTO-1449 form has been initialed and
 returned to applicants. Applicants respectfully request that the cited references be
 considered, that the PTO-1449 pages be initialed to indicate that the cited references were
 considered, and that the initialed PTO-1449 pages be sent to applicants' undersigned
 attorney.

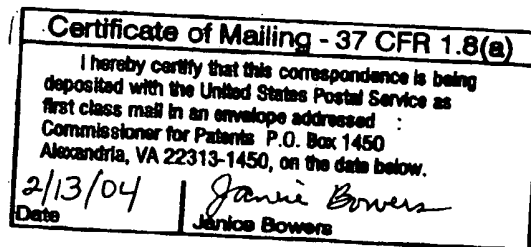
Respectfully submitted,

Date: February 12, 2004



Michael L. Goldman
 Registration No. 30,727

NIXON PEABODY LLP
 Clinton Square, P.O. Box 31051
 Rochester, New York 14603-1051
 Telephone: (585) 263-1304
 Facsimile: (585) 263-1600



DO NOT ENTER 4/14/04 ARK